

affirmative disapproval is no longer necessary and he is removing it.

VI. Procedural Determinations

Compliance with the National Environmental Policy Act

The Secretary of the Interior has determined that, pursuant to section 702(d) of SMCRA, 30 U.S.C. 1292(d), no environmental impact statement need be prepared on this rulemaking.

Compliance with Executive Order No. 12291 and the Regulatory Flexibility Act

On July 12, 1984, the Office of Management and Budget (OMB) granted OSM an exemption from sections 3, 4, 7, and 8 of Executive Order 12291 for actions directly related to approval or conditional approval of State regulatory programs. Therefore, for this action, OSM is exempt from regulatory review by OMB and the requirement to prepare a regulatory impact analysis.

The Department of the Interior has determined that this rule will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). This rule will not impose any new requirements; rather, it will ensure that existing requirements established by SMCRA and the Federal regulations will be met by the State.

Paperwork Reduction Act

This rule does not contain information collection requirements that require approval by OMB under 44 U.S.C. 3507.

VII. List of Subjects in 30 CFR Part 934

Coal mining, Intergovernmental relations, Surface mining, Underground mining.

Dated: January 6, 1990.

Raymond L. Lowrie,
Assistant Director, Western Field Operations.

For the reasons set out in the preamble, title 30, chapter VII, subchapter T of the Code of Federal Regulations is amended as set forth below:

PART 934—NORTH DAKOTA

1. The authority citation for part 934 continues to read as follows:

Authority: 30 U.S.C. 1201 *et seq.*

§ 934.12 [Removed]

2. Section 934.12 is removed.

§ 934.14 [Redesignated as § 934.12]

3. Section 934.14 is redesignated as § 934.12.

4. In § 934.15, paragraph (m) is added to read:

§ 934.15 Approval of regulatory program amendments.

(m) The following revisions to the North Dakota permanent regulatory program, as submitted to OSM on November 1, 1988, and modified on November 7, 1989, and December 20, 1989, are approved effective January 19, 1990: Amendment XI, which replaces all existing coal surface mining reclamation rules promulgated as Article 69-05.2 of the North Dakota Administrative Code with a new set of rules, consisting of Parts 69-05.2-01 through 69-05.2-31 of that code.

5. In § 934.16, paragraph (a) is removed and reserved, the section heading and paragraphs (b), (d), (f), and (g) are revised, and paragraphs (j) and (k) are added to read:

§ 934.16 Required regulatory program amendments.

(a) [Reserved]

(b) By March 20, 1990, North Dakota shall submit proposed revisions to NDAC 69-05.2-22-07.4(e) and the policy document entitled "Standards for Evaluation of Revegetation Success and Recommended Procedures for Pre- and Post-Mining Vegetation Assessments" or otherwise propose to amend its program to require that at least 80 percent of the trees and shrubs counted to determine revegetation success have been in place at least 60 percent of the 10-year period of revegetation responsibility.

(d) By March 20, 1990, North Dakota shall submit proposed revisions to the policy document entitled "Standards for Evaluation of Revegetation Success and Recommended Procedures for Pre- and Post-Mining Vegetation Assessments" to require that evaluations of the success of woody plant stocking be statistically valid at the 90 percent confidence level.

(f) By March 20, 1990, North Dakota shall submit proposed revisions to the policy document entitled "Standards for Evaluation of Revegetation Success and Recommended Procedures for Pre- and Post-Mining Vegetation Assessments" to include tree and shrub stocking and vegetative ground cover success standards for all types of shelterbelts and require, both in the policy document and its rules at NDAC 69-05.2-22-07.4(f), that trees and shrubs used in shelterbelts meet time-in-place and related requirements no less effective than those established in 30 CFR 816.116(b)(3)(ii).

(g) By March 20, 1990, North Dakota shall submit proposed revisions to the policy document entitled "Standards for

Evaluation of Revegetation Success and Recommended Procedures for Pre- and Post-Mining Vegetation Assessments" to require that vegetative ground cover on lands reclaimed to fish and wildlife habitat equal at least 90 percent of the success standard.

(j) By March 20, 1990, North Dakota shall submit a proposed revision to its rules at NDAC 69-05.2-16-20(2) to provide that land within 100 feet of a perennial or intermittent stream not be disturbed unless the State explicitly finds that the surface mining activities will not cause or contribute to a violation of applicable State or Federal water quality standards.

(k) By March 20, 1990, North Dakota shall submit a proposed revision to its rules at NDAC 69-05.2-08-05(2) to require analysis of samples collected from test borings down to and including the deeper of either the stratum immediately below the lowest coal seam to be mined or any aquifer, below the lowest coal seam to be mined, which may be adversely impacted by mining. [FR Doc. 90-986 Filed 1-18-90; 8:45 am]

BILLING CODE 4310-05-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

42 CFR Parts 411, 412, and 489

[BPD-302-CN]

RIN 0938-AC05

Medicare as Secondary Payer and Medicare Recovery Against Third Parties

AGENCY: Health Care Financing Administration (HCFA), HHS.

ACTION: Correction of final rule.

SUMMARY: This document corrects final rules regarding Medicare as secondary payer and Medicare recovery against third parties published on October 11, 1989 at 54 FR 41716. More specifically, this document makes reference, in the preamble, to a new definition added to the rules, restores two words that were unintentionally omitted and corrects a garbled sentence and the Redesignation Table. With respect to the rules text, this notice redrafts four sentences for greater clarity, corrects an example and a typographical error, restores an omitted word and a footnote that was overlooked, and specifies the effective date of a particular provision.

EFFECTIVE DATE: November 13, 1989.

FOR FURTHER INFORMATION CONTACT:
Luisa V. Iglesias (202) 245-0383.

Corrections

1. On page 41717, column 2, the following is inserted at the end of the first response: We also added a definition of "Coverage" or "covered services."

2. On page 41720, column 1, the sentence beginning on line 23 is revised to read as follows: "In cases in which the Medicare provisions conflict with a health provision or contract, the Medicare law must prevail."

3. On page 41720, column 1, in line 39, "Moreover, third" is inserted immediately before "party".

4. On page 41733, column 1, in the Redesignation Table, the second "405.319(a)" is changed to "405.319(b)", and "405.323(a) . . . 411.28" is removed as duplicative.

5. On page 41735, column 1, in the heading for § 411.30, the word "payment" is inserted immediately after "party".

§ 411.15 [Corrected]

6. On page 41737, column 2, in paragraph (l)(2), "in" is changed to "is".

§ 411.24 [Corrected]

7. On page 41738, column 2, paragraph (i)(1), the first sentence is revised to read:

(i) . . .

(1) In the case of liability insurance settlements and disputed claims under employer group health plans and no-fault insurance, the following rule applies:

§ 411.25 [Corrected]

8. On page 41738, column 3, in § 411.25(a), "ought to" is changed to "should", "HCFA" is removed, and "to the Medicare intermediary or carrier that paid the claim." Is inserted after "effect".

§ 411.25 [Corrected]

9. On page 41738, column 3, in § 411.25(b), the parenthetical statement is revised to read: "(including the particular type of insurance coverage as specified in § 411.20(a))".

§ 411.25 [Corrected]

10. On page 41738, column 3, § 411.25(c) is revised to read:

(c) If a plan is self-insured and self-administered, the employer must give the notice to HCFA. Otherwise, the insurer, underwriter, or third party administrator must give the notice.

§ 411.33 [Corrected]

11. On page 41740, column 2, the first three lines of (f)(3)(iv) are revised to read:

(f) . . .

(3) . . .

(iv) The provider's charge minus the Medicare deductible and coinsurance: \$1,280 - \$75 - \$194.60 = 1010.40. Medicare pays \$24.

§ 411.50 [Corrected]

12. On page 41742, column 3, in paragraph (c)(2), the parenthetical statement is removed and the phrase "November 13, 1989" is inserted to replace it.

§ 411.72 [Corrected]

13. On page 41745, column 2, in § 411.72(a)(4)(ii), line 1, the numeral "3" is converted to a superscript to indicate a footnote, and the following footnote is added at the end of the column:

* A spouse may be entitled to Medicare Part A benefits on the basis of the employed individual's earnings record, or the spouse's own earnings record.

(Catalog of Federal Domestic Assistance Program No. 13.773, Medicare—Hospital Insurance, and No. 13.774, Medicare—Supplementary Medical Insurance)

Dated: January 12, 1990.

James E. Larson,

Deputy Assistant Secretary for Information and Resources Management.

[FR Doc. 90-1273 Filed 1-18-90; 8:45 am]

BILLING CODE 4120-01-M

42 CFR Part 433

[BQC-059-CN]

RIN 0938-AA63

Medicaid Program; Medicaid Management Information System; Revised Definition of "Mechanized Claims Processing and Information Retrieval System"

AGENCY: Health Care Financing Administration (HCFA), HHS.

ACTION: Correction notice.

SUMMARY: This notice makes some technical corrections to part 433 regarding State fiscal administration, as amended by our final rule on October 13, 1989, 54 FR 41966.

EFFECTIVE DATE: November 13, 1989.

FOR FURTHER INFORMATION CONTACT: Julie Brown (301) 966-4669.

SUPPLEMENTARY INFORMATION: On October 13, 1989, in FR Doc. 89-24305, we published amendments to 42 CFR part 433, State Fiscal Administration (54 FR 41966). In that final rule, we overlooked two changes necessary to

conform the amended rule to other revisions and we cited one statutory section incorrectly.

§ 433.112 [Corrected]

1. In column 2, page 41973, § 433.112(b)(6), line 8 should read: "developed, installed or enhanced with 90 percent". Adding the words "or enhanced" conforms the rule to our stated policy of allowing 90 percent FFP for enhancements (see the title of § 433.112 and paragraph(a)).

§§ 433.119 and 433.121 [Corrected]

2. In column 1, page 41974;
a. Section 433.119(c)(3), line 5: Replace the word "Grant" with "Departmental" to conform to the new name of the Departmental Appeals Board.
b. Section 433.121(a), line 14: The statutory cite should read: section 1903(r)(4)(B).

(Catalog of Federal Domestic Assistance Program No. 13.714, Medical Assistance)

Dated: January 12, 1990.

James E. Larson,

Deputy Assistant Secretary for Information and Resources Management.

[FR Doc. 90-1274 Filed 1-18-90; 8:45 am]

BILLING CODE 4120-01-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 334

RIN 3067-AB35

Graduated Mobilization Response

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Final rule.

SUMMARY: This final rule adds a new part in title 44 Code of Federal Regulations, Graduated Mobilization Response Guidance, chapter I, Federal Emergency Management Agency (FEMA), subchapter E Preparedness. Part 334 responds to part 1 of Executive Order 12656 of November 18, 1988, which provides that the Director, FEMA, assists the National Security Council in the implementation of national security emergency preparedness policy. Sections 1701(6) and 1701(11) of the Executive Order direct the Director, FEMA, to coordinate the implementation of policies and programs for efficient mobilization and to provide guidance to the Federal departments and agencies on the appropriate use of defense production authorities. This part defines the Graduated Mobilization Response (GMR) System as part of the National Security Emergency Preparedness

program of planning mobilization actions that will permit a timely reaction to early warning indicators. The GMR system is to be incorporated by Federal departments and agencies in their mobilization plans and programs.

EFFECTIVE DATE: January 19, 1990.

FOR FURTHER INFORMATION CONTACT:

Richard F. Marilley, Senior Planning Officer, Office of Mobilization Preparedness, Federal Emergency Management Agency, room 627, 500 C Street SW., Washington, DC 20472, Telephone (202) 646-3003.

SUPPLEMENTARY INFORMATION: On June 8, 1989, FEMA published a proposed regulation in the Federal Register (54 FR 24570) to:

(a) Provide policy guidance pursuant to the Defense Production Act of 1950, as amended; section 1-103 of Executive Order (E.O.) 12148, as amended, which includes functions contained in E.O. 11051; section 104(f) of E.O. 12656; and part 2 of E.O. 10480;

(b) Establish a Graduated Mobilization Response (GMR) system for developing and implementing mobilization action that are responsive to a wide range of national security threats and ambiguous or specific warning indicators.

(c) Provide guidance to the Federal departments and agencies for developing plans that are responsive to a GMR system and for preparing costed option packages, as appropriate, to implement the plans.

Three responses to the invitation for comments were received. The first commenter had no recommendations for change. The second commenter noted that telecommunications response activities are not governed by Executive Order 12656, or by rules that implement Executive Order 12656 (e.g. GMR). FEMA agrees with this comment. The second sentence in § 334.1(b) has been rewritten for the purpose of clarification. The commenter was concerned that the relationship and relevance of GMR to "natural disaster" and "technological emergency" should not be given equal weight to that of military crisis and deterrence. It is FEMA's position that the GMR system is broad and flexible enough to cover all types of emergencies, even though the emphasis in planning is on defense mobilization. In further answer to the commenter, the GMR concept is designed as a holistic approach to emergency preparedness planning that is process oriented, focusing on an array of specific actions that can be taken to meet a specific situation. These actions constitute response options that have been identified in advance as part of the GMR

implementation process. The actions are part of the deterrence response capability and designed to mitigate the impact of or reduce significantly, the lead time required to meet defense and essential civilian needs. Each department and agency will undertake GMR planning to fit their specific program needs. As such, the guidance is presented in a general way, understand that the GMR concept will be adapted to specific agency needs. The commenter correctly noted that § 334.3 "Definitions" is in error. The citation has been corrected to read § 334.4. FEMA disagrees with the comment that the definition of "mobilization" excludes actions taken in advance of an emergency. Mobilization is an activity that is not only an immediate response to an emergency but is also an activity that is an integral part of the preparatory actions for an emergency. As such, mobilization is fundamental to GMR.

With regard to the comment that GMR plans are not required under E.O. 12656, the definition of GMR Plans is supported by the President's National Security Strategy Posture Statement of January 1988 and by section 201(4) of E.O. 12656. Other comments regarding the structure of the guidance were given careful consideration, and it is FEMA's position that the guidance should not address specifics of how GMR planning is accomplished, but instead provide a conceptual framework within which the departments and agencies can adopt GMR to their planning and preparedness programs.

Concerning § 334.6, the third commenter: (a) Stressed that the differences between stage 3 and stage 2 should be more definitive; (b) stressed that the degree of coordination and control to be exercised by the National Security Council will increase as a crisis moves through stage 2 to stage 1; and (c) recommended that a description of stage 1 responsibilities be included under § 334.6 Department and agency responsibilities. FEMA has considered these recommendations and has made appropriate changes to § 334.6.

Regulatory Analysis

This Final Rule is not a major rule for the purposes of Executive Order 12291 of February 17, 1981. It will not have an annual effect on the economy of \$100 million or more; will not result in a major increase in costs or prices to consumers, individual industries, Federal, State or local agencies, or geographic regions; and will not have a significant adverse impact on competition, employment, investment, productivity, innovation or the ability of

United States-based enterprises to compete with foreign based enterprises in domestic or export markets.

This Part applies to Federal government agencies. In accordance with the Regulatory Flexibility Act of 1980, it is hereby certified that this final rule will not have a significant economic impact on a substantive number of small entities.

This rule does not contain information requirements that are subject to the Paper Work Reduction Act of 1980 (44 U.S.C. 3501 et seq.) and Office of Management Budget implementing regulations 5 CFR Part 1320.

The regulation in this part provides guidance to Federal agencies which may or may not take an action which could be subject to environmental documentation requirements. The guidance has no environmental consequences and it is determined, under FEMA's regulation published in 44 CFR 10.8, that is not necessary to prepare either an environmental assessment or an environmental impact statement.

In promulgating these rules, FEMA has considered the President's Executive Order on Federalism issued on October 28, 1987 (E.O. 12612, 52 FR 41685). The purpose of the order is to assure the appropriate division of governmental responsibilities between national government and the States. Among other provisions, this rule implements the requirements that agency rules be in accordance with the so-called common rule, adopted by FEMA at 44 CFR Part 13, Uniform Administrative Requirements for Grants and Cooperative Agreements to State and local Governments. The problem dealt with in this part is national in scope. In view of the joint Federal-State responsibility for civil defense, and FEMA's role under the Federal Civil Defense Act of 1950, as amended, the regulation in this Part is determined to conform FEMA assistance to Executive Order 12612.

List of Subjects in 44 CFR Part 334

National Defense, Graduated mobilization response.

Accordingly, subchapter E, chapter I, title 44, Code of Federal Regulations is amended by adding new part 334 as following.

PART 334—GRADUATED MOBILIZATION RESPONSE

- Sec.
334.1 Purpose.
334.2 Policy.
334.3 Background.

Sec.

334.4 Definitions.

334.5 GMR system description.

334.6 Department and agency responsibilities.

334.7 Reporting.

Authority: National Security Act of 1947, as amended, 50 U.S.C. 404; Defense Production Act of 1950, as amended, 50 U.S.C. App. 2061 *et seq.*; E.O. 12148 of July 20, 1979, 3 CFR 1979 Comp., p. 412; E.O. 10480 of August 14, 1953, 3 CFR 1949-53 Comp., p. 962; E.O. 12472 of April 3, 1984, 3 CFR 1948 Comp., p. 193; E.O. 12656 of November 18, 1988, 53 FR 47491.

§ 334.1 Purpose.

(a) Provides policy guidance pursuant to the Defense Production Act of 1950, as amended; section 1-103 of Executive Order 12148, as amended, which includes functions continued from E.O. 11051; section 104(f) of Executive Order 12656; and part 2 of Executive Order 10480.

(b) Establishes a Graduated Mobilization Response (GMR) system for developing and implementing mobilization actions that are responsive to a wide range of national security threats and ambiguous or specific warning indicators. GMR provides for a coherent decision making process with which to proceed with specific responses to an identified crisis or emergency.

(c) Provides guidance to the federal departments and agencies for developing plans that are responsive to a GMR system and for preparing costed option packages, as appropriate, to implement the plans.

§ 334.2 Policy.

(a) As established in Executive Order 12656, the policy of the United States is to have sufficient emergency response capabilities at all levels of government to meet essential defense and civilian needs during any national security emergency. Accordingly, each federal department and agency shall prepare its national security emergency preparedness plans and programs to respond adequately and in a timely manner to all national security emergencies.

(b) As part of emergency response, the GMR system should be incorporated in each department's and agency's emergency preparedness plans and programs to provide appropriate and effective response options for consideration in reacting to ambiguous and specific warnings.

(c) Departments and agencies will be provided early warning information developed by the intelligence community and policy statements of the President.

(d) Emergency resource preparedness planning is essential to ensure that the nation is adequately prepared to respond to potential national emergencies. Such emergency resource preparedness planning requires an exchange of information and planning factors among the various departments and agencies responsible for different resource preparedness activities.

(e) To carry out their emergency planning activities, civilian departments and agencies require the Department of Defense's (DOD) assessment of potential military demands that would be made on the economy in a full range of possible national security emergencies. Similarly, DOD planning should be conducted using planning regimes consistent with the policies and plans of the civilian resource departments and agencies.

(f) Under section 104(c) of Executive Order 12656, FEMA is responsible for coordinating the implementation of national emergency preparedness policy with federal departments and agencies and with state and local governments and, therefore, is responsible for developing a system of planning procedures for integrating the emergency preparedness actions of federal, state and local governments.

(g) Federal departments and agencies shall design their preparedness measures to permit a rapid and effective transition from routine to emergency operations, and to make effective use of the period following initial indication of a probable national security emergency. This will include:

(1) Development of a system of emergency actions that defines alternatives, processes, and issues to be considered during various stages of national security emergencies; and

(2) Identification of actions that could be taken at the federal and local levels of government in the early stages of a national security emergency or pending national security emergency to mitigate the impact of or reduce significantly the leadtime associated with full emergency action implementation.

§ 334.3 Background.

(a) The GMR system is designed to take into account the need to mobilize the Nation's resources in response to a wide range of crisis or emergency situations. GMR is a flexible decision making process of preparedness and response actions which are appropriate to warning indicators or an event. Thus, GMR allows the government, as a whole, to take small or large, often reversible, steps to increase its national security emergency preparedness posture.

(b) Crises, especially those resulting in major military activities, always have some political or economic context. As the risks of military action increase, nations undertake more extensive preparations over a longer period of time to increase their military power. Such preparations by potential adversaries shape the nature and gravity of the threat as well as its likelihood and timing of occurrence. These measures permit the development of reliable indicators of threat at an early time in the evolution of a crisis. Depending on the nature of the situation or event and the nation involved, these early warning indicators may emanate from the political, socio-economic and/or industrial sectors.

(c) The GMR system enables the nation to approach mobilization planning and actions as part of the deterrent response capability and to use it to reduce the probability of conflict. Alternatively, if deterrence should fail, the GMR system would enable the nation to undertake a series of phased actions intended to increase its ability to meet defense and essential civilian requirements. The GMR system integrates the potential strength of the national economy into U.S. national security strategy.

§ 334.4 Definitions.

(a) *Graduated Mobilization Response (GMR)* is a system for integrating mobilization actions designed to respond to ambiguous and/or specific warnings. These actions are designed to mitigate the impact of an event or crisis and reduce significantly the lead time associated with a full national emergency action implementation.

(b) *National security emergency* is any occurrence, including natural disaster, military attack, technological emergency, or other emergency, that seriously degrades or threatens the national security of the United States.

(c) *Mobilization* is the process of marshalling resources, both civil and military, to respond to and manage a national security emergency.

(d) *GMR Plans* are those agency documents that describe, in general, the actions that an agency could take in the early stages of a national security emergency, or upon receipt of warning information about a possible national security emergency. These actions would be designed to mitigate the impact of, or reduce significantly, the lead times associated with full emergency action implementation. Such plans are required by section 201(4)(b) of Executive Order 12656.

(e) A *Costed Option Package* is a document that describes in detail a particular action that an agency could take in the early stages of a national security emergency. The general content of a GMR costed option package includes alternative response options; the resource implications of each option; shortfalls, costs, timeframes and political feasibility.

§ 334.5 GMR System description.

The GMR system contains three stages of mobilization activity (additional intermediate GMR stages may be developed). For example, a federal department or agency might divide "Crisis Management" into two, three, or more levels as suits its needs.

(a) *Stage 3, Planning and Preparation.* During the planning and preparation stage, federal departments and agencies develop their GMR plans and maintain capability to carry out their mobilization-related responsibilities in accordance with section 201 of Executive Order 12656. General types of problems likely to arise in a crisis situation are identified along with possible methods for dealing with them. Investment programs can be undertaken to overcome identified problems.

(b) *Stage 2, Crisis Management.* During the crisis management stage, GMR plans are reviewed and capabilities will be re-examined in light of an actual event or crisis perceived to be emerging.

(1) Federal departments and agencies may need to gather additional data on selected resources or increase their preparedness activities. Costed Option Packages may need to be updated or new ones prepared for the response option measures in each of the department's and agency's area of responsibility. For example, when it appears likely that increased national resources may be required, resource readiness could be improved through the procurement of essential long lead time items, especially those that can be used even if the situation does not escalate. In general, long lead time preparedness actions would be considered for implementation at this time.

(2) Many preparedness actions at this stage would be handled through reprogramming, but the Costed Option Packages may also require new funding.

(3) If the crisis worsens, and prior to the declaration of national emergency, it may be necessary to surge certain production and stockpile items for future use.

(c) *Stage 1, National Emergency/War.* During a national emergency or declaration of war, mobilization of all national resources escalates and GMR

will be subsumed into the overall mobilization effort. As military requirements increase, the national resources would increasingly be focused on the national security emergency. This would involve diverting non-essential demand for scarce resources from peacetime to defense uses, and converting industry from commercial to military production. Both surge production and expansion of the nation's productive capacity may also be necessary. Supplemental appropriations may be required for most Federal departments and agencies having national security emergency responsibilities.

§ 334.6 Department and agency responsibilities.

(a) During Stage 3, each Federal department and agency with mobilization responsibilities will develop GMR plans as part of its emergency preparedness planning process in order to meet possible future crisis. Costed Option Packages will be developed for actions that may be necessary in the early warning period. Option packages will be reviewed, focused and refined during Stage 2 to meet the particular emergency.

(b) Each department and agency should identify response actions appropriate for the early stage of any crisis or emergency situation, which then will be reviewed, focused and refined in Stage 2 for execution, as appropriate. GMR plans should contain a menu of costed option packages that provide details of alternative measures that may be used in an emergency situation.

(c) FEMA will provide guidance pursuant to Executive Order 12656 and will coordinate GMR plans and option packages of DOD and the civilian departments and agencies to ensure consistency and to identify areas where additional planning or investment is needed.

(d) During Stage 2, FEMA will coordinate department and agency recommendations for action and forward them to the National Security Advisor to make certain that consistency with the overall national strategy planning is achieved.

(e) Departments and agencies will refine their GMR plans to focus on the specific crisis situation. Costed option packages should be refined to identify the resources necessary for the current crisis, action taken to obtain those resources, and GMR plans implemented consistent with the seriousness of the crisis.

(f) At Stage 1, declaration of national emergency or war, the crisis is under the

control of NSC or other central authority, with GMR being integrated into partial, full or total mobilization. At this point the more traditional mechanisms of resource mobilization are pursued, focusing on resource allocation and adjudication with cognizance of the essential civilian demand.

(g) Programs and plans developed by the departments and agencies under this guidance should be shared, as appropriate, with States, local governments and the private sector to provide a baseline for their development of supporting programs and plans.

§ 334.7 Reporting.

The Director of FEMA shall provide the President with periodic assessments of the Federal departments and agencies capabilities to respond to national security emergencies and periodic reports to the National Security Council on the implementation of the national security emergency preparedness policy. Pursuant to section 201(15) of Executive Order 12656, departments and agencies, as appropriate, shall consult and coordinate with the Director of FEMA to ensure that their activities and plans are consistent with current National Security Council guidelines and policies. An evaluation of the Federal departments and agencies participation in the graduated mobilization response program may be included in these reports.

Dated: January 9, 1990.

Antonio Lopez,

Associate Director, National Preparedness Directorate, Federal Emergency Management Agency.

[FR Doc. 90-1139 Filed 1-18-90; 8:45 am]

BILLING CODE 6719-01-M

FEDERAL MARITIME COMMISSION

46 CFR Part 540

[Docket No. 89-25]

Security for the Protection of the Public

January 18, 1990.

AGENCY: Federal Maritime Commission.

ACTION: Final rule.

SUMMARY: The Commission is adding a new provision to subparts A and B of its rules requiring proof of financial responsibility for passenger vessels. The new language provides that the Commission may permit, for good cause, deviations from the standard language prescribed in Forms FMC-132A, FMC-133A, FMC-132B and FMC-133B, which